

United States District Court

EASTERN DISTRICT OF OKLAHOMA

In the Matter of the Search of
459386 East 1115 Road, Sallisaw, Sequoyah
County, Oklahoma.

Case No. 23-MJ-258-JAR

APPLICATION FOR SEARCH WARRANT

I, Brett J. Collins, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (identify the person or describe property to be searched and give its location):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section(s) 1111(a), 1151, and 1153, and the application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to on

Date: October 22, 2023

City and state: Muskogee, Oklahoma



[Signature]
Brett J. Collins
Special Agent
FBI

[Signature]

Judge's signature
UNITED STATES MAGISTRATE JUDGE
Printed name and title

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Brett J. Collins, a Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, state:

AFFIANT'S EXPERIENCE

1. I have been employed as a Special Agent (SA) with the FBI since 2017 and am currently assigned to the Oklahoma City Division, Fort Smith Resident Agency, of the FBI. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of 18 U.S.C. § 2510(7) and Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure, that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. During my time as a SA for the FBI, I have conducted and participated in a wide variety of investigations, including Indian Country crimes, as defined in 18 U.S.C. §§ 1151 and 1153, including violent crimes, sexual exploitation of minors, and child abuse crimes.

PURPOSE OF AFFIDAVIT

2. I make this Affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant for a residence located at 459386 E. 1115 Rd., Sallisaw, Oklahoma 74965 ("the Residence"), which is located in Cherokee Nation and within the Eastern District of Oklahoma, specifically described in Attachment A of this affidavit for evidence, fruits, and instrumentalities, as identified in Attachment B. The requested search warrant relates to violations of Title 18 U.S.C § 1111, 1151, and 1153, Murder in Indian Country.

3. The facts in this Affidavit are based in part on information provided by other law enforcement officers and on my investigation of this matter. Since this Affidavit is being submitted

for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18 U.S.C. § 1111, 1151, and 1153, Murder in Indian Country, are believed to be presently at the Residence.

VENUE

5. This Court is the proper venue to issue the requested warrant under Federal Rules of Criminal Procedure Rule 41(b)(1) as the property to be search is located within the Eastern District of Oklahoma.

PROBABLE CAUSE

6. The facts and circumstances described below occurred within the Eastern District of Oklahoma and within the boundaries of Cherokee Nation, and therefore is within Indian Country as that term is defined under 18 U.S.C. § 1151.

7. An individual involved in the hereinafter described shooting is **PERRY EMMETT** (hereinafter “**EMMETT**”), date of birth xx/xx/1989. Based on information received from law enforcement officers on scene, **EMMETT** is a member of the Kaw Nation, a federally recognized Native American tribe in Oklahoma.

8. The identified victim in this investigation is E.R., date of birth XX/XX/1991, a member of Cherokee Nation, a federally recognized Native American tribe.

9. On October 22, 2023, at approximately 3:50 p.m., law enforcement responded to 459386 E. 1115 Rd., Sallisaw, Oklahoma 74965 (“the Residence”) in reference to a shooting that had occurred. Upon arrival, law enforcement made contact with **EMMETT** on the front porch of the Residence. As law enforcement officers were giving **EMMETT** verbal commands, **EMMETT** acknowledged he was involved in the shooting. **EMMETT** was subsequently detained. Law

enforcement officers entered the Residence and located the victim, E.R., with an apparent gunshot wound to the abdominal area. E.R. was declared deceased at approximately 4:02 p.m.

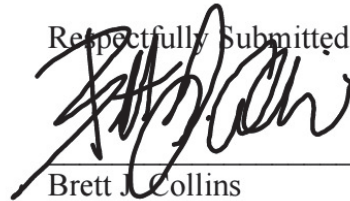
10. The victim's wife, C.R., was interviewed by FBI Agents. C.R. stated she had been residing at the Residence for approximately five weeks with her husband, E.R., along with **EMMETT** and **EMMETT's** girlfriend, M.H.. Earlier today, **EMMETT** told C.R. and E.R. they needed to vacate the residence. A verbal altercation ensued between the aforementioned parties. During the course of the verbal altercation, **EMMETT** retrieved a black in color SKS with a scope and pointed it at E.R. who was carrying a tan in color rifle. E.R. grabbed **EMMETT's** SKS rifle and a physical struggle ensued, at which point **EMMETT** fired one round into E.R.'s torso.

11. **EMMETT's** girlfriend, M.H., was interviewed by FBI Agents. M.H. stated that E.R. and C.R. had been residing at her and **EMMETT's** residence for approximately one month. Due to E.R. and C.R. continuously being disrespectful and dirty, **EMMETT** instructed E.R. and C.R. to vacate the Residence. Upon **EMMETT** instructing them to leave the Residence, E.R. became hostile and told **EMMETT** to "make me." At the time, E.R. had a 9mm handgun in his waistband. M.H. also believed E.R. was in possession of a tan-colored rifle. At approximately 3:00 p.m., the verbal altercation between **EMMETT** and E.R. escalated and E.R. punched **EMMETT** in the head. M.H. was in-between **EMMETT** and E.R. as they were continuing to argue. M.H. heard E.R. state, "I'll just shoot you," followed by the sound of a gun "cock." Subsequently, **EMMETT** shot E.R. one time with a rifle, described as an "AR" or "AK." M.H. was not sure when **EMMETT** got the rifle. **EMMETT** took the rifle he shot E.R. with and put it

in their bedroom located in the Residence. M.H. stated **EMMETT** shot E.R. in self-defense, because E. R. was reaching for his guns during the altercation.

12. Based on the foregoing, there is probable cause to believe that the federal criminal statute cited herein have been violated, and that the evidence, contraband, property, fruits and instrumentalities of this offense, more fully described in Attachment B, are located at the Residence, described in Attachment A. I respectfully request that this Court issue a search warrant for the Residence described in Attachment A, authorizing the seizure and search of the items described in Attachment B.

Respectfully Submitted,



Brett J. Collins
Special Agent
Federal Bureau of Investigation

Sworn to me this 22nd day of October, 2023.



UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

The residence identified as 459386 E. 1115 Rd., Sallisaw, Oklahoma 74965 (“the Residence”), currently rented by **PERRY EMMETT**, including the residential building, any outbuildings, any person and computers and storage media located at the Residence. The Residence is a trailer house, single-family structure, with green trim and a metal roof that is green in color



ATTACHMENT B

Particular Things to be Seized

1. Deceased body of E.R.
2. Human remains in any form.
3. Samples or material from items that may contain biological material such as DNA or human remains.
4. Personal effects identified as belong to E.R. and **EMMETT**, including electronic devices.
5. Firearms, firearms parts, and any firearm accessories.
6. Ammunition, including spent casing(s).
7. Video surveillance or similar storage mediums.